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May 14, 2020

Hon. A. Kathleen Tomlinson
United States Magistrate Judge
Eastern District of New York
910 Federal Plaza
Central Islip, NY 11722

Re: Nin, et al v. County of Suffolk, et al., 19-CV-01546 (SJF)(AKT)

Dear Magistrate Judge Tomlinson:

I represent the defendants Town of Islip and the individual Town defendants (Town defendants) in the afore-referenced action and submit this letter in opposition to plaintiffs' letter application dated May 11, 2020 (ECF 88).

The Town opposes plaintiffs' application for the same reasons addressed by Arlene Zwilling in her letter of May 13, 2020 (ECF 89). It should be noted that Ms. Zwilling and the undersigned have had a number of discussions concerning the plaintiffs' depositions requests of both County and Town defendants. As stated by Ms. Zwilling, all of the defendants wish to be present at the depositions. We do not know how that technology will accommodate this owing to the large number of participants. Even presupposing the technology existed, with the current crisis, I am not anxious to start meeting with my clients, and other witnesses to prepare for these depositions.

Further, as recognized by Ms. Zwilling, Judge Feuerstein set August 10, 2020 as the close of discovery (which date was set on February 20, 2020, while the courts were still open and the full impact of the current crisis was not yet appreciated). As such, there are three months remaining prior to the end of discovery within which to finish discovery. As no one could have anticipated the scope of the disruptive nature of the current crisis, I do not believe that any judge will be unmindful of some unanticipated delays in completing discovery. I do not see the rationale, at this point, in placing all of those involved, parties, attorneys and witnesses, in jeopardy.

Accordingly, for the reasons addressed above, and those raised by Ms. Zwilling, I respectfully request that the plaintiffs' application, as it applies to the Town of Islip defendants, be denied.

Respectfully submitted,

s/

William D. Wexler

WDW/cm

cc: Richard W. Young, Esq.
Arlene S. Zwilling, Esq.